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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/807,933 | 03/24/2004 | Helmuth Gabl | ANDPAT/185/US | 5153 |
| 2543 7590 12/11/2007 ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103 | | | EXAMINER RODRIGUEZ, JOSEPH C | |
| | | | ART UNIT 3653 | PAPER NUMBER |
| | | | MAIL DATE 12/11/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/807,933

Applicant(s)

GABL, HELMUTH

Examiner

Joseph C. Rodriguez

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-14 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 11, 16 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the toothed profile and iris diaphragm must be shown or the features canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 3653

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 12-14 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (US 4,267,035) in view of Atkeison (US 5,119,953), Applicant's Admitted Prior Art and Bergdahl et al. ("Bergdahl 1") (US 6,290,067).

Martin (Fig. 1-3) teaches a screen for cleaning a fiber suspension comprising: a housing (10); a screen basket (12) disposed between the housing and the rotor, the screen basket defining a separation unit, the rotor extending axially and including a rotor segment extending axially from an area of minimum rotor diameter to an area of maximum rotor diameter and defining a substantially parabolic shape adapted to the flow conditions in the associated separation unit (Fig. 1 showing substantially parabolic rotor extending from 20 to 34); an accept chamber (Fig. 1) disposed between the screen basket and the housing; a reject outlet (35) disposed adjacent the area of maximum rotor diameter; and at least one device for interrupting axial flow disposed adjacent the area of maximum rotor diameter (ring 34); at least one inlet for dilution water (Fig. 1, near 46, 48, 60; col. 4, 5 teaching benefits of dilution inlets at multiple points throughout rotor assembly including at rejection outlet); and at least one deflaking unit (structure near 30 or 58 that is mounted to rotor and *indirectly* mounted to housing).

Martin as set forth above teaches all that is claimed except for expressly teaching the screen basket defining a plurality of separation units, the rotor extending axially through all of the separation units, the rotor including a rotor segment disposed within each of the separation units, wherein the dilution liquid is fed in and opposite to the "running direction" of the rotor, the flow interruption ring is adjustable and coupled to the dilution inlet and the deflaking unit is disposed intermediate the second and third separation units. Applicant, however, already teaches that it is known to construct multi-stage units (Specification, p. 2, ln. 15-16) and is merely vague as to the construction of the units. Atkeison also teaches that it is known to construct multi-stage separation units to allow for the further separation of the pulp suspension (Abstract; Fig. 1-9 showing multi-stage screening units in a variety of configurations). In view of the prior art, it cannot be regarded as non-obvious for one with ordinary skill in the art to arrive at the design claimed by Applicant as it simply involves duplicating the rotor and dilution water feature of Martin, who already teaches placing the dilution inlet at multiple points including with a pipe through the rotor, in multi-stages as taught by Applicant and Atkeison. Further, Bergdahl 1 teaches the dilution inlet as claimed and also teaches an adjustable flow interruption ring (Fig. 2, 3 see dilution inlet liquid flowing in conduit 18 and then through rotor and then in multiple directions away from the rotor; Fig. 2; col. 4 teaching adjustable member 27 for controlling flow in screening device). Moreover, Bergdahl 1 teaches that in addition to controlling the material flow that the claimed features prevent detrimental thickening of the reject fraction (col. 3, ln. 29-49) and Martin (col. 4, 5) already teaches the benefits of having multiple dilution inlets. Here, it

is further noted that with multiple separation units that are duplicates of the Martin unit that the top dilution inlet from one unit can be regarded as at or below a rejection outlet of an adjacent separation unit, thus the dilution inlets can be regarded as mounted on the housing or through the rotor and coupled to the flow interruption device and, additionally, the deflaking unit can be regarded as between the second and third separation units. Further, the prior art discussed and cited demonstrates the level of sophistication of one with ordinary skill in the art and that these modifications would be well within this skill level. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Martin as taught above.

Response to Arguments

Applicant's arguments that the prior art fails to teach the claimed features are unpersuasive in view of the newly formulated prior art rejection set forth above. In particular, Martin as cited above clearly teaches the placement of the dilution inlet at multiple points in the screening device. Consequently, the claims stand rejected.

Allowable Subject Matter

Claims 11, 16 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Joseph C Rodriguez** whose telephone number is **571-272-6942** (M-F, 9 am – 6 pm, EST). The Supervisory Examiner is Patrick Mackey, **571-272-6916**. The **Official** fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

The examiner's **UNOFFICIAL Personal fax number** is **571-273-6942**.

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

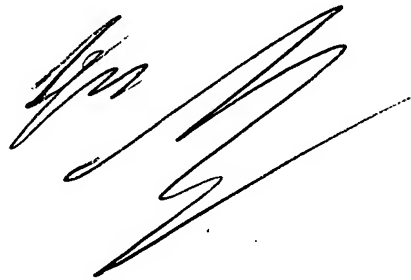
Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>

Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at **866-217-9197** (Toll Free).

Signed by Examiner /Joseph Rodriguez/

Jcr

December 7, 2007

A handwritten signature in black ink, appearing to read 'Jcr', is written over a horizontal line.